

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 25, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners was convened at 1:30 p.m..

1) **MINUTES:**

A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 18, 2005.

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated January 18, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

B. Correction to the Board of Commissioner minutes dated December 7, 2004 relating to Old Business Item 6A. The motion should read as follows: Hudkins moved and Heier seconded denial of Comprehensive Plan Amendment 04020 to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status, as provided in Exhibit "A" and to request the Director of Planning to consult with the State Department of Roads and seek an alternative solution.

MOTION: Stevens moved and Workman seconded approval of the corrections to the Board of Commissioner minutes dated December 7, 2004 relating to Old Business Item 6A. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **CLAIMS: Approval of all claims processed through Tuesday, January 25, 2005.**

MOTION: Workman moved and Schorr seconded approval of all claims processed through January 25, 2005. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Application for an amusement license from Cara Carney and Brad Bray to hold a country music festival on Saturday, August 13, and Sunday, August 14, 2005 at 15305 Van Dorn Street, Walton, Lancaster County, Nebraska. Hours for the festival will be 10 a.m. to 1 a.m. on Saturday and 12 p.m. (Noon) to 8 p.m. on Sunday. (See New Business Item 5A for correlating application for Special Designated License.)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the application.

The Clerk administered the oath to Cara Carney and Brad Bray, applicants.

Bray gave a brief overview of the application indicating that they have contacted several national acts, three regional acts who have recently signed Nashville contracts and are interested in appearing at the festival and ten local bands. Other activities will be a songwriter's contest to be advertised nationally, karaoke, children's activities and a fiddle, guitar and mandolin contest.

Bray added they have 100 volunteers to assist with the festival, 4-H members and school groups to assist in the activities for the children and community support from Budweiser, Waverly News, Sidetrack Bar, Music Go Round, SuperFoods, Prairie Home Productions, Memories in Bloom, 96 KX Radio, Lincoln Journal Star, several retired Lincoln Police officers and Lancaster Sheriff's deputies.

4) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Schorr regarding parking, Carney stated her neighbor to the north offered his ground for recreational vehicle parking.

Schorr asked how many vehicles could be parked including the neighbor's ground.

Bray stated approximately 8,000 to 9,000 vehicles.

Schorr asked what the intended start time would be on August 14th.

Carney responded it would probably be 9 a.m..

Extensive discussion took place regarding the recommendations of the County Engineer, Sheriff, Health Department and Building and Safety's concerns.

MOTION: Heier moved approval of the application for an amusement license from Cara Carney and Brad Bray to hold a country music festival subject to the recommendations of the Sheriff's Office, County Engineering and the Health Department being in place.

Motion failed for lack of second.

MOTION: Stevens moved and Schorr seconded to recess the public hearing regarding an application for amusement license from Cara Carney and Brad Bray for one week and to request the applicants bring back to the County Board, documentation indicating that insurance has been applied for, a written statement from applicants agreeing to comply with the recommendations of the Sheriff's Office, County Engineering and the Health Department, submittal of a diagram showing location of vendors, stage area, proposed parking arrangements, entrances and exits, fencing and barriers and the temporary new driveway on Van Dorn Street. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

B. County Special Permit 04059, requested by Trent Sidders on behalf of David Benes, for the commercial storage and sale of farm chemicals, on property generally located at the northwest corner of North 56th Street (Highway 77) and Mill Road in Lancaster County, Nebraska. (See New Business Item 5B for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to speak in favor of the proposal.

MOTION: Workman moved to deny a request from Mark Hunzeker to extend the hearing.

Motion failed for lack of second.

MOTION: Stevens moved and Schorr seconded to grant the request made by Mark Hunzeker to continue the hearing to February 2, 2005.

Discussion took place regarding when to allow testimony.

ROLL CALL: Heier, Schorr, Stevens and Hudkins voted aye. Workman voted no. Motion carried.

The Clerk administered the oath to Mark Hunzeker, attorney representing applicant.

Hunzeker stated his purpose in attending was to request continuance and to inform the Board that the request was made because neighbors have been notified that an informational meeting will be held on Wednesday, January 26th, at Eiseley Library located at 1530 Superior Street.

OPPONENTS

The Clerk administered the oath to Garth Glissman, 5225 Mill Road.

Glissman stated there is a large number of residents in opposition to the proposal and on their behalf they would like to reserve all testimony until February 2, 2005.

The Chair asked all those opposed to the proposal to please stand.

Approximately seven individuals stood in opposition.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked all those in favor to please stand.

One individual raised their hand in support.

Schorr clarified for the record that the continuance of the public hearing should be Tuesday, February 1, 2005 instead of February 2, 2005.

The Clerk administered the oath to Blayne Glissman, 5225 Mill Road.

Glissman indicated a petition, containing signatures of individuals opposed to the proposal, will be submitted to the Board on February 1, 2005.

MOTION: Stevens moved and Workman seconded to amend his previous motion to recess the public hearing to Tuesday, February 1, 2005 instead of February 2, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

The Clerk administered the oath to John Schauer, 5020 Waverly Road.

Schauer stated the meeting to be held on January 26, 2005 at Eiseley Library will be informational only and encouraged everyone to attend the County Board meeting on February 1st so that the testimony will be on record.

The Chair asked if anyone else wished to testify.

The Chair recessed the hearing until Tuesday, February 1, 2005.

C. County Comprehensive Plan Conformance 04012, requested by Bradley E. Barrows on behalf of Prairie Solitude, L.L.C., to transfer a conservation easement for preservation of native prairie to the Nebraska Land Trust, on property generally located southeast of the intersection of West Van Dorn street and Southwest 126th Street in Lancaster County, Nebraska. (See New Business Item 5C for correlating resolution.)

The Chair opened the public hearing.

The Clerk administered the oath to Brad Barrows, applicant.

4) **PUBLIC HEARINGS CONTINUED:**

Barrows gave a brief overview of the proposal indicating that the conservation easement meets the requirements of the statute and meets the purposes by minimizing the clearing of vegetation and preserving the important natural features on the property by retaining the trees and maintaining the existing dam.

Barrows added that by controlling the location of structures there is a better buffer between the houses, septic systems and where the natural potholes and ponds are located.

Stevens asked if the Nebraska Land Trust was a non-profit organization.

Barrows responded that it is a 501C-3.

Hudkins inquired about an undesignated strip of land on the edge of Parcel 6.

Barrows stated it was County road right-of-way which he felt it was best not to dedicate a conservation easement on.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

D. Comprehensive Plan Amendment 04021, by the Director of Planning, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, by adopting the proposed "Airport West Subarea Plan" for the area generally from Northwest 27th to Northwest 70th Streets, from U.S. Highway 34 to U.S. Highway 6 (West "O" Street), including associated amendments to the Community Form; Business and Commerce; Mobility and Transportation; Community Facilities; and Parks, Recreation and Open Space sections of the Comprehensive Plan. (County Board to take action on February 1, 2005.)

The Chair opened the public hearing.

The Clerk administered the oath to Duncan Ross, Planning Department.

Ross gave an overview of the "Airport West Subarea Plan".

Heier inquired whether they resolved the issue regarding road location near the Erickson property.

4) **PUBLIC HEARINGS CONTINUED:**

Ross stated the location shown in the fact sheet is what was recommended by the Planning Commission and Planning staff.

Discussion took place regarding the possibility of turning the road before Northwest 40th Street, placing it east of the Erickson property.

Stevens stated he wasn't comfortable proceeding with the Figure 2 map for the subarea plan which goes through the Erickson property when there are alternatives, such as using Northwest 40th Street east or west, which wouldn't impact housing.

Ross stated he could draft some amendment options and distribute them.

Board consensus was to request Ross to proceed with drafting amendment options for discussion at the County Board's staff meeting on Thursday, January 27, 2005.

The Clerk administered the oath to Barbara Erickson, 3900 West Holdrege Street.

Erickson appeared in opposition of the amendment indicating she and her husband purchased 10.5 acres in 1980. She stated they planted 400 pine trees which would be destroyed if the road is built at the suggested location. Erickson further stated if the arterial is built at the suggested location it would be only 81 feet from her front of her home and added that they favor Alternate C.

The Chair asked if anyone else wished to testify.

No one appeared.

MOTION: Stevens moved and Workman seconded to recess the public hearing until Tuesday, February 1, 2005 and request the Planning Department draft an alternative routing Northwest 40th/Northwest 38th Street east of the Erickson property and south of the property. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

E. An application for Corporate Manager for Douglas Allen Joe in connection with an application for a Class B (Beer Off sale Only) liquor license for Raymond Rock, Inc. d/b/a Toni's Corner, located at 5700 West Raymond Road, Raymond, Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk administered the oath to Doug A. Joe, applicant.

In response to a question asked by Hudkins, Joe indicated he has no prior retail experience.

Schorr asked Joe if he has completed training.

Joe stated he would be willing to take any classes required.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

The Chair stated the Board should keep the hearing open for one week to allow any further testimony.

5) **NEW BUSINESS:**

A. An application for a special designated license from Cara Carney and Brad Bray to provide liquor beverage service on Saturday, August 13, 2005 from 10 a.m. to 1 a.m. and on Sunday, August 14, 2005 from 12 p.m. (Noon) to 8 p.m. in connection with an amusement license application to hold a country music festival on August 13 and 14, 2005 at 15305 Van Dorn Street, Walton, Lancaster County, Nebraska.

This item was held.

5) **NEW BUSINESS CONTINUED:**

B. A resolution in the matter of County Special Permit 04059, requested by Trent Sidders, on behalf of David Benes, for the commercial storage and sale of farm chemicals, on property generally located at the northwest corner of North 56th Street (Highway 77) and Mill Road in Lancaster County, Nebraska. (R-05-0008)

This item was held.

C. A resolution in the matter of Comprehensive Plan Conformity 04012, requested by Bradley E. Barrows on behalf of Prairie Solitude, L.L.C., to transfer a conservation easement to the Nebraska Land Trust, on property generally located southeast of the intersection of West Van Dorn Street and Southwest 126th Street, Lancaster County, Nebraska. (R-05-0005)

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0005 in the matter of Comprehensive Plan Conformity 04012, requested by Bradley E. Barrows on behalf of Prairie Solitude, L.L.C., to transfer a conservation easement to the Nebraska Land Trust, on property generally located southeast of the intersection of West Van Dorn Street and Southwest 126th Street, Lancaster County, Nebraska. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

D. Applications for special events permits from the Lincoln Track Club to hold the following:

1. State Farm "Run For Your Life" road race on Saturday, March 19, 2005, beginning at 9 a.m.. The race will begin at the State Farm Regional Office, located at 222 South 84th Street and proceed south on 84th Street to the MoPac Trail to just east of 134th Street.

2. Havelock Run on Saturday, May 14, 2005, beginning at 8 a.m.. (The County portion of the route will be from Havelock Avenue to Adams Street on 84th Street.)

MOTION: Stevens moved and Schorr seconded approval of two applications for special events permits from the Lincoln Track Club to hold the State Farm "Run For Your Life" road race on March 19, 2005 and the Havelock Run on May 14, 2005. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- E. An agreement with Simplex Grinnell for the inspection and testing of the fire alarm systems at Lancaster County Corrections. Term of the agreement is from March 1, 2005 to February 28, 2006. The County will pay \$9,246 for the services. (C-05-0041)**

MOTION: Workman moved and Heier seconded approval of an agreement with Simplex Grinnell for the inspection and testing of the fire alarm systems at Lancaster County Corrections. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

- F. An agreement with Wedgewood Legacy Medical, P.C. for medical services for individuals incarcerated at the Lancaster County Corrections Department. The County will pay \$2,800 per month for general medical services, \$95 for tuberculosis tests where appointment time is used, \$150 per hour for a physician and \$75 per hour for a physician's assistant to provide assistance to the County in legal proceedings. The agreement will be for two years from the date it is fully executed. (C-05-0042)**

MOTION: Heier moved and Workman seconded approval of an agreement with Wedgewood Legacy Medical, P.C. for medical services for individuals incarcerated at the Lancaster County Corrections Department. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

- G. A resolution and accompanying revised interlocal amending the interlocal agreement which created the Lincoln Area Agency on Aging (LAAA). The revised interlocal allows the Mayor to execute leases for senior center service purposes on agreements of one year or less. (R-05-0006 and C-05-0040)**

This item was held at the request of the County Attorney's Office.

- H. A resolution in the matter of instituting eminent domain proceedings against Service Company of America, Registered Agent David E. Hutchinson, Project C55-A-401(5), Tracts 11 and 12, on North 162nd Street from approximately Salt Creek to Davey Road. (R-05-0007)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of Resolution 05-0007 in the matter of instituting eminent domain proceedings against Service Company of America, Registered Agent David E. Hutchinson, Project C55-A-401(5), Tracts 11 and 12, on North 162nd Street from approximately Salt Creek to Davey Road. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

I. A resolution in the matter of amending minimum road standards of platted and dedicated roads. (R-05-0009)

MOTION: Heier moved and Workman seconded approval of Resolution 05-0009 in the matter of amending minimum road standards of platted and dedicated roads. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the Lancaster County Sheriff's Office to award an order from a State of Nebraska contract to Husker Auto Group, in the amount of \$22,388, for one, 2005 Chevrolet Astro van with options as listed in the specifications. (B-05-0004)

MOTION: Stevens moved and Schorr seconded approval of an award an order from a State of Nebraska contract to Husker Auto Group, in the amount of \$22,388, for one, 2005 Chevrolet Astro van with options as listed in the specifications. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

K. Approval of an activity report submitted to the Nebraska Department of Agriculture from the Lancaster County Noxious Weed Control Authority for 2004.

MOTION: Schorr moved and Stevens seconded approval of an activity report submitted to the Nebraska Department of Agriculture from the Lancaster County Noxious Weed Control Authority for 2004. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

L. Appointment and reappointments to the Air Pollution Control Advisory Board as follows:

- ▶ **Jeffrey Jenkins** for a three year term to expire November 1, 2007. (This is a new appointment replacing Tom Petsch who has served the maximum number of years on the Board.)
- ▶ **Rick Albro** for a three year term to expire November 1, 2007. (This is a reappointment.)
- ▶ **Joseph Skopp** for a three year term to expire November 1, 2007. (This is a reappointment.)

MOTION: Stevens moved and Workman seconded approval of the appointment of Jeffrey Jenkins and the reappointments of Rick Albro and Joseph Skopp to the Air Pollution Control Advisory Board, terms to expire November 1, 2007. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

M. Lancaster County Board of Commissioners Committee Assignments for 2005.

MOTION: Stevens moved and Workman seconded approval of the Lancaster County Board of Commissioners Committee Assignments for 2005. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **Noxious Weed Control Authority's Monthly Report for December, 2004.**
2. **Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for December, 2004.**
3. **Nebraska Department of Roads State Highway Needs Assessment for 2004.**

6) CONSENT ITEMS CONTINUED:

B. Setting of public hearings for Tuesday, February 8, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. Revisions to the Lancaster County General Assistance Guidelines. (A copy of the proposed revisions is on file in the Lancaster County Clerk's Office.)
2. **County Special Permit 04047, North Branched Oak Estates Community Unit Plan**, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for nine residential acreage units and associated waiver requests, on property generally located southwest of the intersection of Northwest 84th Street and West Rock Creek Road in Lancaster County, Nebraska.
3. **County Preliminary Plat 04021, North Branched Oak Estates**, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for nine residential acreage lots and associated waiver requests, on property generally located southwest of the intersection of Northwest 84th Street and West Rock Creek Road in Lancaster County, Nebraska.

C. Requests from the following individuals to voluntarily participate in the County's retirement plan having met the requirements:

- ▶ Crystal M. Garcia, an employee with Lancaster Manor.
- ▶ Patricia J. Longwith, an employee with Lancaster Manor.

MOTION: Schorr moved and Stevens seconded approval of the Consent Items. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

7) ADJOURNMENT:

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 3:30 p.m.. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 25, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was convened at 3:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 18, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated January 18, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 189 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Bethphage
Catholic Bishop of Lincoln
First Evangelical Covenant Church
Goodwill Industries Serving Southeast Nebraska, Inc.
Indian Center, Inc.
Nebraska Bethel Bibleway Apostolic Temple
Our Lady of Guadalupe Seminary, division of Priestly Fraternity of St.
Peter
St. Elizabeth Regional Medical Center
Salvation Army
Trinity Lutheran Church
Union College

MOTION: Workman moved and Heier seconded approval of the motor vehicle tax exemptions. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:32 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk